



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE, ROOM 1007
BOSTON, MASSACHUSETTS 02108
(617) 727-8352
(800) 462-OCPF

MARY F. MCTIGUE
DIRECTOR

February 13, 1989
A0-89-06

Edward M. Lambert, Jr.
House of Representatives
State House
Boston, Massachusetts 02133

Dear Representative Lambert:

This letter is in response to your recent request for an advisory opinion.

You have stated that you are renting a district office in Westport, effective January 1, 1989. The landlord's stipulation is that you renovate the office, the cost of such renovations to be borne by you in lieu of rental payments. At the time that the rental fee has been so offset by refurbishment costs, you will begin paying such rental fees. You have further stated that there will be no labor costs as you are undertaking the actual labor. You expect the basic expense to be the cost of materials.

You have inquired whether your political committee may appropriately expend monies pursuant to M.G.L. c.55 to buy such materials.

We will attempt to answer your inquiry by identifying what we consider to be critical issues and responding to such issues.

1. May a political committee organized on behalf of an individual candidate lease office space?

Section 6 of M.G.L. c.55 permits candidates and their political committees to make political expenditures so long as such expenditures are not "primarily for the candidate's or any other person's personal use." In addition, the regulations promulgated under M.G.L. c.55 provide that candidates and political committees may make expenditures for "reasonable and necessary expenses in connection with the operation of a campaign office or offices." These expenses may cover telephones, furniture, office rent and equipment, and utilities. 970 C.M.R. 2.05(2)(h).

It is the opinion of this office that your political

committee may expend monies to equip an office to be used for the operation of a campaign office. As part of equipping such office, you committee certainly would be permitted to expend monies to refurbish the office.

2. May a candidate's political committee pay for office space which is used as other than a campaign office?

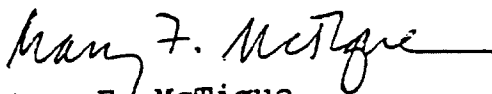
As the regulations cited above state, a candidate's political committee may pay for a campaign office. In addition, both the statute and the regulations clearly differentiate between those expenditures which are political in nature and those which may be considered "governmental" or "legislative." Specifically, the regulations permit expenditures related to campaigning (for votes), fundraising and political relations with constituents. The position of this office is that any expenses which are, or may be, reimbursed by the Commonwealth because such expenses are incurred as part of a candidate's duties as a legislator may not be reimbursed by such candidate's political committee.

It is the opinion of this office, therefore, that if the office in Westport for which your political committee proposes to pay refurbishment costs is political in nature, the expenditure is appropriate under M.G.L. c.55. If, however, such office is run as a legislative office, your political committee may not undertake to pay for it or any refurbishment expenses associated with it.

This opinion has been rendered solely on the basis of the representations made in your letter and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,


Mary F. McTigue
Director

MFM-PLH/bah